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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,892	10/17/2003	Jose A. O'Daly	17595-3	1782

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DOCKET ADMINISTRATOR
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EXAMINER	
GRASER, JENNIFER E	
ART UNIT	**PAPER NUMBER**
1645	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,892	O'DALY, JOSE A.	
	Examiner	Art Unit	
	Jennifer E. Graser	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:1 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

II. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO: 2 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

III. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:3 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

IV. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:4 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

V. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:5 or its complement, vectors comprising said nucleic acid, host cells

transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

VI. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:6 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

VII. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:7 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

VIII. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:8 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

IX. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:9 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

X. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:10 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

XI. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:11 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

XII. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:12 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

XIII. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:13 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

XIV. Claims 1-11, drawn to an isolated nucleic acid encoding SEQ ID NO:14 or its complement, vectors comprising said nucleic acid, host cells transformed with said vectors and recombinant production using said host cells, classified in class 435, subclass 69.1.

The inventions are distinct, each from the other because of the following reasons:

Groups I-XIV contain different products. The nucleic acid in each Group possesses a completely different nucleotide sequence which encodes a completely different polypeptide. These sequences are structurally different. The methods of recombinant production using these nucleic acids would produce completely different products. Furthermore, searching the inventions of groups I-XIV together would

impose a serious search burden. In the instant case, the search of the individual polynucleotides is not coextensive.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter and because the literature search required for the Groups is not coextensive, restriction for examination purposes as indicated is proper.

2. Correspondence regarding this application should be directed to Group Art Unit 1645. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Remsen. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15,1989). The Group 1645 Fax number is 571-273-8300 which is able to receive transmissions 24 hours/day, 7 days/week.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Graser whose telephone number is (571) 272-0858. The examiner can normally be reached on Monday-Thursday from 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Navarro, can be reached on (571) 272-0861.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0500.

Jennifer Graser
Primary Examiner
Art Unit 1645

9/27/06